

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

MCCALL, RICHARD JAMES,
MCCALL, CAROLINE MARIE,
Debtors.

Chapter 7
Case No.: 03-61069

NOTICE OF HEARING AND MOTION TO OBJECT TO CLAIM

TO: THE CLAIMANT, THE DEBTORS, THE DEBTOR'S ATTORNEY, AND THE US TRUSTEE:

1. The trustee herein moves the court for the relief requested below and gives notice of hearing.

2. The court will hold a hearing on this motion at 10:30 on July 28, 2004, at 204 U.S. Courthouse, 118 South Mill Street, Fergus Falls, MN 56537.

3. Any response to this motion must be filed and served not later than July 19, 2004, at 10:30 a.m., which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays), or filed and served by mail not later than July 14, 2004, which is ten days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is the core proceeding. The petition commencing this chapter 7 case was filed on August 27, 2003. The case is now pending in this court.

5. This motion arises under 11 U.S.C. § 502 and Fed. R. Bankr. P 3007. This motion is filed under Bankruptcy Rule 9014 and local rule 9013. Movant requests relief with respect to the claim filed by City of Wadena as Claim No. 1 in the amount of \$240.34 and does specifically seek an Order of this Court denying said claim in its entirety based on the attachments filed with the

claim which indicate that the bill is for services provided to the debtors after their bankruptcy petition was filed.

Wherefore, the trustee moves the Court for an Order denying Claim No. 1 of City of Wadena in the amount of \$240.34 in its entirety and such other relief as may be just and equitable.

Dated: 6/30/04



David G. Velde, Trustee
1118 Broadway
Alexandria, MN 56308
320-763-6561

Verification. I, David G. Velde, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Date: 6/30/04



David G. Velde

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

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Debtors.

Chapter 7
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ORDER DENYING CLAIM

It appears to the court that the claim filed by City of Wadena as Claim No. 1 in the amount of \$240.34 is not an unsecured nonpriority claim.

NOW, THEREFORE, upon the motion of the trustee seeking an Order of this Court denying the claim of City of Wadena filed October 22, 2003, in the amount of \$240.34, and after a hearing before the court on said motion.

IT IS ORDERED that the claim of City of Wadena in the amount of \$240.34, filed as Claim No. 1 is denied in its entirety.

Dated: _____

US Bankruptcy Judge

STATE OF MINNESOTA)
) ss.
COUNTY OF DOUGLAS)

Julie A. Dolman, of the City of Alexandria, County of Douglas, in the State of Minnesota, being duly sworn, says that on the 30th day of June, 2004, she served the attached Notice of Hearing and Motion to Object to Claim and proposed Order, by electronically filing with:

US Bankruptcy Court
204 PO Building
118 S. Mill Street
Fergus Falls MN 56537

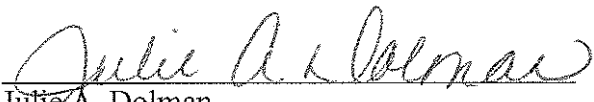
and mailing to a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Alexandria, Minnesota, directed to said at:

Habbo G. Fokkena
US Trustee
1015 US Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Mary H. Meyer
Attorney at Law
P.O. Box 127
Melrose, MN 56352

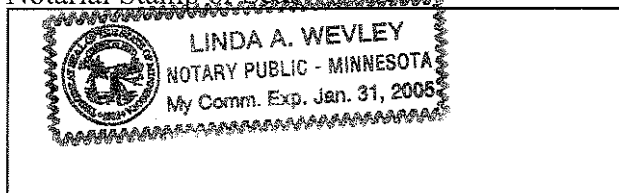
Richard and Caroline McCall
34457 - 145th Avenue
Eagle Bend, MN 56446

City of Wadena
Box 30
Wadena, MN 56482


Julie A. Dolman

Subscribed and sworn to before me this 30th day of June, 2004

Notarial Stamp or Seal




Notary Public